

Procedural Information Bulletin No. 41

For the sitting period 2 to 11 May 1989

PRIVILEGE

The Chairman of the Privileges Committee, Senator Giles, made a statement on 11 May indicating the finding of the Committee on one of its references, relating to alleged improper interference with a witness who gave evidence to the Standing Committee on Environment, Recreation and the Arts in the course of the inquiry into the use of drugs in sport. Senator Giles stated that the Committee had found that the person who had taken the actions in question had not tried to injure the witness in consequence of evidence given before the Standing Committee, and that no contempt of the Senate had been committed. The Committee will give its reasons for this finding in a report to be presented in due course.

On 5 May the Privileges Committee presented a report recommending that a response by a person adversely referred to in the Senate be incorporated in Hansard, in accordance with Privilege Resolution No. 5. The response was by Mr C Wyatt and referred to remarks made about him in a debate relating to Aboriginal Affairs. The report of the Committee was adopted and the response duly incorporated in Hansard.

PROCEDURE COMMITTEE REPORT

The Procedure Committee on 2 May presented its report on the disclosure of in camera evidence in a dissenting report. The Committee reported that it had been unable to agree to any change to the existing procedures, either to explicitly allow the use of in camera evidence in dissenting reports or to explicitly prohibit it, but suggested guidelines to be followed in dealing with in camera evidence. The essence of the suggested guidelines is that a committee and any dissenting senators make all reasonable efforts to reach agreement on any in camera evidence in question.

The report also recommends rules for the radio or television broadcasting of committee proceedings, and deals with the matter of questions on notice in Estimates Committees.

DELEGATED LEGISLATION

On 11 May the Chairman of the Standing Committee on Regulations and Ordinances, Senator Collins made a statement reminding the Senate that, with the establishment of the ACT Legislative Assembly, a large part of the law of the Territory passed out of the responsibility of the Senate, except in that the Parliament can still legislate for the Territory. Laws of the Territory have been a significant part of the scrutiny work of the Regulations and Ordinances Committee, and there have been many debates in the Senate on the disallowance of ACT ordinances. Senator Collins indicated that a meeting of the Committee and members of the new Assembly would be held to suggest that the scrutiny formerly conducted by the Committee be continued through the Assembly.

Senator Collins made a statement on 2 May indicating that the Second Conference of Australian Delegated Legislation Committees had been held in Canberra from 22 to 28 April, and was judged by the participants to be a success. Papers and proceedings of the Conference will be tabled in due course.

DEBATES BY AGREEMENT

Several matters initiated by private senators were brought on for debate by leave or by the suspension of Standing Orders as a result of agreements between the parties.

A motion by Senator Puplick concerning the protection of Antarctica, calling on the Government not to sign or ratify a proposed convention on mining in Antarctica, was debated and passed on 3 May.

Also on 3 May Senator Hill moved a motion to refer to the Joint Standing Committee on Electoral Matters certain questions relating to the ACT electoral system. This motion was amended and passed on the same day.

The report by the National Companies and Securities Commission on Rothwells Ltd was debated by agreement, also on 3 May, in place of a matter of public importance which was proposed by the Opposition but subsequently withdrawn.

A motion by Senator Sanders to establish a select committee on paper pulp mills was debated by agreement on 11 May, but was adjourned till the first day of sitting in August 1989.

UNANSWERED QUESTIONS

On 3 May Senator Newman made use of the procedures provided by the resolution of 28 September 1988 relating to questions on notice not answered after thirty days. She moved a motion to take note of an explanation by Senator Richardson of the failure to answer a question relating to the peace-keeping forces in the Sinai.

PROPOSED ORDER FOR RETURN

Reference has been made in earlier Bulletins to the increasing use of orders for returns, that is, orders by the Senate that documents be presented, usually government documents held by Ministers or government departments.

On 4 May Senator Tambling gave notice of a motion that there be presented certain documents relating to Aboriginal art grants. On 5 May he made a statement indicating that a responsible Minister had made an offer to make some documents available on a confidential basis, and that he would leave his notice of motion in place until he had considered any further ministerial offers.

LEGISLATION AMENDED

The Copyright Amendment Bill 1988 was extensively amended during lengthy committee of the whole proceedings on 4 May. Several amendments which had not been circulated and which were moved as a result of the proceedings and discussions between parties were agreed to. On 10 May the House of Representatives returned the bill with some of the Senate's amendments disagreed to, on the ground that they were inconsistent with other amendments made to the bill by the Senate. In the course of the proceedings in the Senate Senator Hill had moved amendments which had been supplied to him by the government, but it was not indicated to him that these amendments were intended to replace others of his amendments which were also agreed to. Proceedings on the bill provided an excellent example of the value of dealing with such bills in a standing committee rather than in the committee of the whole, a point which was made during the debate.

The Australian Securities Commission Bill 1988, the Corporations Bill 1988 and fourteen associated bills, amounting to the most voluminous package of legislation ever passed by the Commonwealth Parliament, were considered in committee of the whole on 10 and 11 May, and many very lengthy amendments were made to them. Most of the amendments were designed to put into effect the recommendations of the Joint Select Committee on Corporations Legislation. Two amendments were of parliamentary interest. Senator Macklin successfully moved to strike out of the proposed government amendments two provisions relating to the Parliamentary Joint Committee on Corporations and Securities established by the legislation. One

provision would have inhibited the Committee in inquiring into matters before the Australian Securities Commission, and the second related to the admission in evidence in proceedings of findings by the Committee. Senator Macklin pointed out that the latter provision was unnecessary because of the Parliamentary Privileges Act and might confuse the Droxer interpretation of that Act.

The Wheat Marketing Bill 1989 and associated bills were considered at length on 11 May, and the Wheat Marketing Bill was extensively amended, principally on the initiative of the Opposition.

The Transport and Communications Legislation Amendment Bill 1989 was amended on the motion of the Opposition on 8 May. Senator Lewis pointed out that a proposed amendment to an Act contained in the bill had already been made to the Act by an earlier bill, and had obviously been included in this bill by mistake.

Three customs bills and the International Arbitration Amendment Bill 1988 were returned by the House of Representatives on 2 May with the amendments made by the Senate agreed to.

PRIVATE SENATORS' BILLS

Senator Walters' Regulation of Video Material Bill 1988 was given a second reading and considered in committee of the whole on 4 May. Two amendments moved by Senator Walters were agreed to, but consideration of the bill was not concluded.

Two bills introduced by Senator Haines, relating to taxation concessions in respect of savings accounts interest and housing loans interest, were debated and negatived on 11 May.

Another attempt to alter the constitutional provisions relating to the disqualification of members of the Houses was indicated by a bill introduced by Senator McLean on 10 May.

COMMITTEE REFERENCES

The Legal and Constitutional Affairs Committee had its already heavy workload augmented by two references, on the motion of its Chairman, Senator Cooney, on 3 May. These references relate to debt recovery under social security legislation and the doctrine of the shield of the Crown. Senator Cooney also successfully moved on 10 May to refer to the Committee matters relating to the cost of litigation. This reference followed a notice of motion given by Senator Macklin to establish a select committee on the cost of justice.

Matters relating to the tax file number system were referred to the Finance and Public Administration Committee on the motion of Senator Messner and on a division on 3 May.

COMMITTEE REPORTS

The Estimates Committees presented their reports on 4 May, with the exception of Estimates Committee E, which delayed the presentation of its report until 11 May. The reports draw to the attention of the Senate a number of matters relating to the estimates. The committees presented written answers supplied by the departments on 11 May. The report of Committee E is notable for its comments on the matter of the immigration review fee and matters relating to Aboriginal affairs, and for the reservation added by its Opposition members, also in relation to Aboriginal affairs. The opposition members also objected to the appointment to the committee prior to the consideration of the Committee's report of a senator who had not heard the Committee's evidence.

The Standing Committee on Industry, Science and Technology presented its report on assistance to the sugar industry on 8 May and the report was immediately debated.

OTHER COMMITTEE MATTERS

The Joint Select Committee on the Tenure of Appointees to Commonwealth Tribunals had its time for reporting extended on 3 May to 31 August.

The Senate considered on 11 May a proposal by the House of Representatives to re-establish the Joint Committee on the ACT, in place of the consideration of ACT matters by the Standing Committee on Transport, Communications and Infrastructure of each House. The Senate made two amendments to the resolution as proposed by the House, to alter the composition of the proposed committee and to rectify a technical defect. The proposal to re-establish the joint committee follows much discussion of the subject since the original committee was effectively abolished in September 1987.